

LABOR CABINET
Department of Workplace Standards

803 KAR 2:180

Recordkeeping; Reporting; Statistics

RELATES TO: KRS 338.121(3), 338.161, 29 C.F.R. Part 1904

STATUTORY AUTHORITY: KRS 338.061, 338.161

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.161(1) requires the Office of Occupational Safety and Health, represented by the Executive Director to promulgate administrative regulations requiring employers to report their occupational safety and health statistics. 29 C.F.R. Part 1904 establishes the federal requirements for the recording and reporting of occupational illnesses and injuries. EO 2008-472, effective June 16, 2008, established the Labor Cabinet and assigned to it all organizational entities associated with the former Department of Labor. This administrative regulation establishes recordkeeping and reporting requirements for employers covered under KRS Chapter 338.

Section 1. Definitions.

- (1) "**Amputation**" means an injury in which a portion of the body including bone tissue, is removed.
- (2) "**Employee**" is defined by KRS 338.015(2).
- (3) "**Employer**" is defined by KRS 338.015(1).
- (4) "**Occupational Safety and Health Act**" means KRS Chapter 338.
- (5) "**Secretary of Labor**" means the Secretary of the United States Department of Labor or the Secretary of the Labor Cabinet.
- (6) "**Section 11(c) of the Act**" means KRS 338.121(3).

Section 2. Employers shall comply with the requirements for reporting and recording of occupational injuries and illnesses established at 29 C.F.R. Part 1904, revised as of July 1, 2008, as amended by the definitions in Section 1 of this administrative regulation and the requirements in Section 3 of this administrative regulation.

Section 3. Reporting Fatalities, Amputations, or In-Patient Hospitalizations.

(1) Employers shall orally report to the Kentucky Labor Cabinet, Division of Occupational Safety and Health Compliance, at (502) 564-3070, any work-related incident which results in the following:

- (a) The death of any employee; or
- (b) The hospitalization of three (3) or more employees.

(2) The report required under subsection (1) of this section shall be made within eight (8) hours from when the incident is reported to the employer, the employer's agent, or another employee. If the employer cannot speak with someone in the Frankfort office, the employer shall report the incident using the OSHA toll-free, central telephone number, 1-800-321-OSHA (1-800-321-6742).

(3) Employers shall orally report to the Kentucky Labor Cabinet, Division of Occupational Safety and Health Compliance, at (502) 564-3070, any work-related incident which results in the following:

- (a) An amputation suffered by an employee; or
- (b) The hospitalization of fewer than three (3) employees within seventy-two (72) hours following the incident.

(4) The report required under subsection (3) of this section shall be made within seventy-two (72) hours from when the incident is reported to the employer, the employer's agent, or another employee.